

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ANTONIO WASHINGTON, #197522,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:06-CV-1082-MHT
)	
BOB RILEY, et al.,)	
)	
Defendants)	

ORDER

On December 27, 2006, the plaintiff filed a document styled “motion for leave to file amended complaint” (Court Doc. No. 9). However, the plaintiff seeks only to amend the complaint to assert additional claims for relief against defendants Riley, Allen and Mosley and to add Beverly Spivey and the Barbour County Environmental Health Department Commission as defendants. The court therefore construes this document as a motion for leave to amend the complaint. Upon consideration of the motion for leave to amend, and for good cause, it is

ORDERED that:

1. This motion for leave to amend be and is hereby GRANTED.
2. The original and amended defendants undertake a review of the subject matter of the complaint, as amended, (a) to ascertain the facts and circumstances; (b) to consider whether any action should be taken to resolve the subject matter of the complaint; and (c) to

determine whether other similar complaints should be considered together.

3. Defendants Spivey and the Barbour County Environmental Health Department Commission shall file a written report containing the sworn statements of all persons having knowledge of the subject matter of the complaint, as amended. This report shall be filed with the court and a copy served upon the plaintiff within forty (40) days of the date of this order. Authorization is hereby granted to interview all witnesses, including the plaintiff. Whenever relevant, copies of medical and/or psychiatric records shall be attached to the written report. Where the plaintiff's claims or the defendants' defenses relate to or involve the application of administrative rules, regulations or guidelines, the written report shall include copies of all such applicable administrative rules, regulations or guidelines.

4. An answer shall be filed by defendants Spivey and the Barbour County Environmental Health Department Commission within forty (40) days from the date of this order.

5. The original defendants be GRANTED an extension to and including forty (40) days from the date of this order to file a written report and answer in compliance with the order entered on December 13, 2006 (Court Doc. No. 4).

6. No motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the complaint, as amended, be filed by any party without permission of the court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court, the court shall not file or otherwise

treat the pleading as a dispositive motion until and unless further order of the court.

The plaintiff is CAUTIONED that this court will not continue to grant him leave to amend without a showing of exceptional circumstances.

The CLERK is hereby DIRECTED to furnish a copy of this order to the plaintiff and a copy of this order, the complaint and amendment to the complaint to Beverly Spivey and the Barbour County Environmental Health Department Commission. A copy of this order and the amendment to the complaint shall likewise be furnished to all other defendants, to the General Counsel for the Alabama Department of Corrections, the Attorney General for the State of Alabama and General Counsel for the Alabama Board of Pardons and Paroles.

Done this 9th day of January, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE